IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 5847 of 1994

And

W.P.M.P.No.17720 and 17721 of 2004

Between:

K. Shanta Sri, D/o. Silas,

Christian, a/a 36 years, Teacher,

R/o. Inchpet, Vijayawada.

..... PETITIONER in
W.P.No.5847 of 1994 and
W.P.M.P.Nos. 17720 and
17721 of 2004

AND

1. The Government of Andhra Prudish,

   Represented by its Secretary, Education Department,

   Secretariat, Hdyerabad.

2. The District Educational Officer,

   Krishna, Machilipatnam,

3. The C.S.I. Elementary & Upper Primary Schools,

   Representedj by its Correspondent,C.S.I. Compound,

   Gopalareddy Road, Governorpet, Vijayawada-2.

.....RESPONDENTS in
W.P.No.5847 of 1994 and
W.P.M.P.Nos. 17720 and

W.P.No.5847 of 1994

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to pay salary of the petitioners from 19.12.1989 to 31.10.1993 and consequently direct the respondents to revise the pay scale of the petitioners with all consequential benefits and to pass.

W.P.M.P.No.17720 of 2004

Petition under Section 151 C.P.C. praying that in the circumstances stated in the affidavit filed herein in the High Court will be pleased to permit the petitioner to raise the additional pleadings (subsequent events) before this Hon'ble Court enabling this Court to adjudicate the matter on merits in the interest of justice and to pass.

W.P.M.P.No. 17721 of 2004

Petition under Section 151 C.P.C. praying that in the circumstances stated in the affidavit filed herein in the High Court will be pleased to direct the 1st and 2nd respondents to release the aided salary from September, 1993 to 24.03.1995 and to count the unaided service of the petitioner for the purpose of fixation of aided pay scale, length of service, etc., in the interest of justice and to pass.

Counsel for the Petitioner in W.P.and W.P.M.Ps: MR.PRATAP NARAYAN SANGHI

Counsel for the Respondent Nos1 and 2 in W.P. and W.P.M.Ps: G.P. for School Education.

Counsel for the Respondent No.3 in W.P. and W.P.M.Ps.: MR.A.CHANDRAIAH

The Court made the following :

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.5847 of 1994

And

W.P.M.P.Nos.17720 and 17721 of 2004

COMMON ORDER:

The petitioner, who worked as a teacher in the 3rd respondent-School, filed the present writ petition seeking a direction in the nature of writ of mandamus to the respondents to pay her salary for the period from 19.12.1989 to 31.10.1993 and also for a consequential direction to revise her pay scales with all benefits.

Heard the learned Counsel for the petitioner as well as the Assistant Government Pleader.

The contention of the learned Government Pleader is that the records were produced to the effect that the salaries were paid to the petitioner for the relevant period and in that view of the matter, the writ petition deserves no consideration and accordingly, it is liable to be dismissed.

However, the learned Counsel for the petitioner filed two miscellaneous petitions in W.P.M.P.No.17720 of 2004 and 17721 of 2004 seeking permission of this Court to raise certain other pleadings (subsequent events) in view of the promulgation of the Andhra Pradesh Private Aided Educational Staff (Regulation of

Pay) Act of 9 of 2000 and also Act 5 of 2002.

On a perusal of the record produced by the learned Government Pleader and in view of the fact that the entire salaries were paid to the petitioner for the relevant period, I am of the opinion that the writ petition is liable to be dismissed.

Coming to the other aspects that were urged in the above WPMPs, I hold that they are all subsequent events and they cannot be decided in this petition and hence, the WPMPs are not maintainable, and, are, therefore, dismissed. However, it is open to the petitioner to file a separate petition in respect of the same, if she so desires.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

20th January, 2005

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copy to

1. The Secretary, The Government of A.P.,

   Education Department, Secretariat, Hyderabad.

2. The District Educational Officer, Krishna,

   Machilipatnam.

3. The Correspondent, C.S.I.Elementary & Upper Primary

   School, C.S.I. Compound, Gopalareddy Road, Governorpet,

   Vijayawada.

4. Two C.Cs to the Government Pleader for School Education, High Court Buildings, High Court of A.P., Hyderabad. (O.U.T.)

5. Two C.D. Copies.